(G.C.P.)J 455 (5,00,000)-11.2001) Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application No.1423 of 2006
In
First Appeal St.No.904 of 2006

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions and Registrar's order.	Court's or Judge's orders

Ms Smita Mane i/b Shri P.B.Shah for the applicants.

Shri M.M.Sathaye for the respondents.

CORAM: R.M.S.KHANDEPARKAR
&
SMT.R.S.DALVI, JJ

DATED: 21ST MARCH, 2006.

P.C.

. Undisputedly, the amount of Rs.12,48,750/- was deposited by the respondents for seeking specific performance of the agreement between the parties. The trial Court has rejected the prayer for specific performance. Obviously, the respondents, who had deposited their money to show bonafides on their part for execution of the agreement, would be entitled for withdrawal of the said amount, and therefore, the question of restraining

them from withdrawing the said amount does not arise at all. Hence, the relief in the nature of prayer clause (b) cannot be granted. The application accordingly is rejected.

(R.M.S.KHANDEPARKAR, J)

(SMT.R.S.DALVI, J)